

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**TO:** Kevin Klingsheim and Jazlyne Ford  
**FROM:** Colorado Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** September 25, 2017  
**SUBJECT:** Proposed initiative measure 2017-2018 #56, concerning the repeal of state restrictions on gun capacity

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of the Colorado Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

## Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to repeal part 3 of article 12 of title 18 concerning large-capacity ammunition magazines.

## Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5) of the Colorado Constitution provides that the "draft of the text of proposed . . . initiated laws shall be submitted to the legislative research and drafting offices of the general assembly for review and comment." The proponents have indicated what they want the initiated law to do but have not submitted the text of the law. To comply with this constitutional requirement, proponents should submit the text as they wish it to appear in the Colorado Revised Statutes for our offices to review and comment.
2. Article V, section 1 (8) of the Colorado Constitution requires that the following enacting clause be the style for all laws adopted by the initiative: "Be it Enacted by the People of the State of Colorado". To comply with this constitutional requirement, this phrase should be added to the beginning of the proposed initiative.
3. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
4. What will be the effective date of the proposed initiative?
5. Under section 1-40-105.5, Colorado Revised Statutes, the director of research of the Colorado Legislative Council is required to prepare an initial fiscal impact statement, which includes an abstract that appears on petition sections, for each initiative that is submitted to the Title Board. In preparing the statement, the director is required to consider any fiscal impact estimate prepared by the proponents.
  - a. Will you submit the initiative to the Title Board? If so, when do you intend to do so?
  - b. Are you submitting a fiscal impact estimate today? If not, do you plan to submit an estimate in the future, and if so, when do you intend to do so?
  - c. To ensure that there is time for consideration, you are strongly encouraged to submit your estimate, if any, at least 12 days before the measure is scheduled for a Title Board hearing. The estimate should be submitted to the Colorado Legislative Council staff at [BallotImpactEstimates.ga@state.co.us](mailto:BallotImpactEstimates.ga@state.co.us).

## Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. Before the amending clause, number each section, part, etc. that is being amended or added with a section number (e.g., SECTION 1., SECTION 2.). For example:

**SECTION 1.** In the Colorado Revised Statutes, **repeal** article XXX as follows:

2. Each constitutional and statutory section being amended, repealed, or added is preceded by a separate amending clause explaining how the law is being changed. For example, if you intend to repeal a part of an article in title 18 of the Colorado Revised Statutes, you would include the following amending clause: "In Colorado Revised Statutes, **repeal** part \_\_ of article \_\_ to title 18 as follows:".
3. If the above type of amending clause is used, the measure should include all of the language, except for the section numbers, in the part to be repealed in strike type.
4. Alternatively, the proponents could specify the repeal of the part without showing all of the language in strike type. If the proponents intend to do that, the amending clause should read: "In Colorado Revised Statutes, **repeal** part \_\_ of article \_\_ to title 18.".